

PC
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLN. OF: EBNER
SERIAL NO.: 10/528,917
FILED: March 23, 2005
FOR: Apparatus and Method for Harvesting Bone
DOCKET: MAX 02.01 CIP

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In connection with the above-entitled matter, Applicant hereby attaches U.S. Patent Office form PTO-1449, including copies of the references listed therein. All of the references were cited in the specification, except for reference U.S. Patent Nos. 6,110,177 and 5,683,406 that were cited in the PCT International Search Report dated February 22, 2004 of the underlying PCT patent application. Enclosed is a copy of the PCT International Search Report. Applicant is not submitting copies of the U.S. Patent reference as the Office waived the requirement under 37 CFR 1.98(a)(2)(i) on July 11, 2003. The claims in the present application are believed to be patentably distinguished over these references.

This Information Disclosure statement is being made pursuant to the duty of disclosure imposed by law and formulated in 37 CFR 1.56(A). No representation is made that the information thus disclosed in fact constitutes prior art or that it is the closest prior art, inasmuch as 37 CFR 1.56(A) relies on a materiality concept which depends on subjectivity.

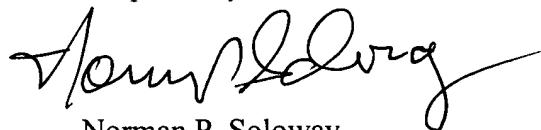
HAYES SOLOWAY P.C.
130 W. CUSHING STREET
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

In compliance with the requirements of 37 C.F.R. § 1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 35 U.S.C. § 1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a copy of an official search report by a PCT examiner in which reference numbers U.S. Patent 6,110,177 and U.S. Patent 5,683,406 were cited. The relevance to the pending U.S. patent application is that the references were cited in a PCT patent application on the same subject matter. However, no independent analysis of the references, the accuracy of the statement of PCT examiner or the claims of the PCT application under the laws of the country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the PCT examiner's comments submitted therewith.

The enclosed Information Disclosure Statement is being submitted prior to issuance of the first action on the merits. Therefore, we believe there are no fees involved with this Information Disclosure Statement. In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 08-1391.

Respectfully submitted,



Norman P. Soloway
Attorney for Applicant
Registration No. 24,315

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 26, 2005 at Tucson, Arizona.

By: 

HAYES SOLOWAY P.C.
130 W. CUSHING STREET
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Docket Number (Optional) MAX 02-01 CIP		Application Number 10/528,917
Applicant(s) EBNER		
Filing Date March 23, 2005		Group Art Unit

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		6,110,177	8.29.00	EBNER et al.	606	84	
		5,683,406	11.4.97	ALTOBELLi et al.	606	170	
		5,052,411	10.1.91	SCHOOLMAN	128	863	
		5,269,785	12.14.93	BONUTTI	606	80	
		4,844,064	7.4.89	THIMSEN et al.	128	305	

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO
	WO 97/11646	4.3.97	PCT	A61B	17/32		

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		4,466,429	8.21.94	LOSCHER et al.	428	92	
		4,994,024	2.19.91	FALK	604	22	
		4,722,338	2.2.88	WRIGHT et al.	128	312	
		4,366,822	1.4.83	ALTSCHULER	428	753	
		2,526,662	10.24.50	HIPPS et al.	128	92	

U.S. PATENT APPLICATION PUBLICATIONS

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U.S. PATENT DOCUMENTS

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		5,403,317	4.4.95	BONUTTI	606	80	
		4,798,213	1.17.89	DOPPELT	128	754	
		5,133,359	7.28.92	KEDEM	128	754	

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